

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Sprint Docket No. 1740)

PATENT

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FEB 21 2005

In re Application of:

Mark Yarkosky

Serial No.: 09/975,179

Filed: October 11, 2001

For: Method for In-Building Distribution Using
Wireless Access Technology

Art Unit: 2682

Examiner: Persino, R. B.

Fax No. 703-872-9306

No. of Pages: 3

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FACSIMILE TRANSMITTAL LETTER

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Comments on Statements of Reasons for Allowance
2. With respect to fees:
 - a) No fee is due at this time.
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 210765.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being transmitted to the USPTO facsimile number 703-872-9306, according to 37 CFR 1.6(d) addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 21, 2005.

Respectfully submitted,

Date: February 21, 2005

By: 

Brian R. Harris
Reg. No. 45,900

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COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Applicant expresses appreciation for the allowance of the present application. Applicant notes the Examiner's reasons for allowance, but further comments that the art of record, alone and in combination, fails to show, teach or suggest the entirety of each combination of steps and/or structure recited by each of the allowed claims of the present invention.

Applicant respectfully submits that the reasons for allowance are only warranted in instances in which the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims. In the present case, however, the Applicant believes that the record as a whole makes the reasons for allowance clear. While the Applicants believe that the claims are allowable, the Applicants do not acquiesce that patentability resides in the features, as explicitly set forth in the claims, nor that each feature is required for patentability.

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Further, the Applicant does not necessarily agree with each statement in the reasons for allowance. For example, although the Examiner describes various operations and embodiments of Applicant's invention, Applicant does not believe that the Examiner's discussion of the reasons for allowance should be misconstrued as requiring that the claims include additional elements that are not expressly found in the claims themselves. Also, while Applicant agrees that the allowed claims are neither taught nor suggested by JUDD, Applicant believes that there may be other reasons, in addition to those discussed by the Examiner, of why there is no motivation to modify JUDD in the manner suggested by Applicant. Moreover, Applicant disagrees that "enclosing the elements claimed by applicant, within a single housing, would be within the skill of one of ordinary skill in the art at the time of the invention," as is alleged by the Examiner. Applicant agrees, however, that such a modification would not be obvious given JUDD's teachings.

Respectfully submitted,

Date: 2/21/05

By: 

Brian R. Harris

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